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THE MUNICIPAL ACT IS SUSTAINED

MUTINY ON SHIP DISMASTED AT SEA

(Associated Press Cable to The Star.)

SAN FRANCISCO, September 2.—The ship Eaton Hall, bound from Newcastle, New South Wales, to Valparaiso, Chile, has been towed to Tahiti dismasted. Her experience has been most exciting. Dismasted during the voyage from Newcastle, her crew, dissatisfied with the master's treatment, mutinied, and in defending themselves from the attack of the sailors the officers killed one man.

KNEW FAR OFF STORM BY FEEL OF WIRELESS

Sidney Maddams, radiotelegrapher of the Matson Navigation S. S. Hilonian, is in a fair way to become famous through an experience, before observed, considered and studied by others, but particularly observed by himself on the just completed trip from San Francisco, and concerning which, for reasons of discovery, he says little.

While a storm was raging over this island and some of the other islands of this group, and people in Honolulu, at least, were thinking that the Texan, the Hilonian, the Pacific fleet and other vessels within a few hundred miles were in the midst of heavy weather, both the fleet and the Hilonian were enjoying peaceful seas, fair winds and sunshine.

But, and here's where Sidney Maddams has a chance to get closer to some of the secrets of nature, in the Hilonian's wireless room there were strange things occurring.

It seemed that the spirits of the air were endeavoring to communicate with Captain Johnson's liner, but Maddams hadn't their code and there was no translating it, although he explains the phenomena by the storm that existed at the time over these islands. He knew, and he communicated to Captain Johnson and other officials of the Hilonian, that Hawaii was in the heart of an electrical display as grand as it was uncomfortable.

Just how Maddams knew the storm was in this direction he cannot explain. It may have been a hunch, and again he may be on the road to devising a wireless sensitive that will announce to ships thus equipped the location and area and degrees of distant storms, enabling vessels to steer clear of nasty weather.

Maddams was busy all the way down sparking with the fleet.

JAPAN'S BIG EXPOSITION

The following is a translation of a cablegram from Tokio received by the Japanese Consul here:

"The Japanese Government have decided to postpone until 1917 the grand exposition projected in 1912 under the following considerations:

"On re-examination and a new analysis to which the Japanese have found it necessary to subject the project of the exposition of 1912, have convinced them that the intervening time of three and a half years is insufficient for the completion of all the various preparations and work which are essential to the successful realization of the undertaking. It is impossible within the allotted time, to prepare for the exhibit without disturbing many other activities of the country, nor is there sufficient time in which to pre-

pare the exposition grounds, to erect exposition buildings or to make arrangements necessary for the suitable accommodation and convenience for the visitors under these circumstances. It is deemed best therefore to make an inevitable postponement at this time rather than delay action until an adjournment would cause inconvenience and be prejudicial to right interests. Again, the Japanese government, following the very commendable custom, desire the projected exposition to be commemorative of an auspicious event in their history in 1917 which will be celebrated as the fiftieth anniversary of the Emperor's accession which will be, for all his subjects, a reason of rejoicing, and it is proposed to take advantage of that happy occasion to inaugurate the exposition."

DEWITT IS DEAD

(Associated Press Cable to The Star.)

FORT YELLOWSTONE, Wyo., September 2.—General Calvin De Witt, who retired with the rank of brigadier-general in 1903, died here today.

WINNERS IN SHOOT

MELBOURNE, Australia, September 2.—The rifle team from the American fleet defeated a local Picked Team, consisting of the best shots in this city, in a match here today.

FINE FOR CABLE CO.

CARACAS, Venezuela, September 2.—The French Cable Company has been sentenced to pay a fine of \$5,000,000, for its alleged complicity in the Matos revolution.

FLIES IN MID AIR

COLUMBUS, Ohio, September 2.—Roy Knabenshue, the famous aeronaut, made a successful ascent in his airship here today, carrying three passengers in the machine.

DIVES TO HER DEATH

SAN FRANCISCO, September 2.—Miss Helen Cullen, a wealthy invalid, this morning jumped from the window of her room in a hotel in this city and is dead of the fearful injuries received when she struck the pavement.

TRAGEDY DOUBLED

SAN FRANCISCO, September 2.—The husband of Mrs. Alice Donohue, whose body was found buried in a swamp and for whose murder Gustave Arkell was arrested, committed suicide before the inquest was held on the body of his wife and left a note declaring the innocence of Arkell, naming the alleged assassin.

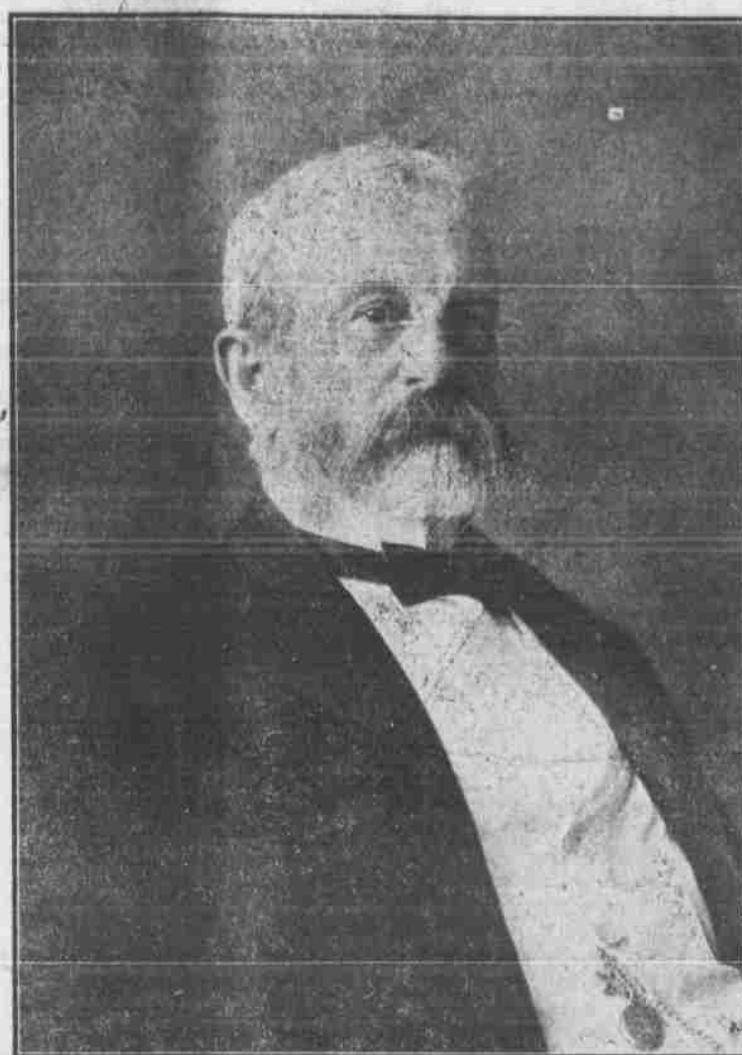
CHILDREN'S SCHOOL CLOTHES. Now that school time is drawing near it is well to keep in mind that you can get the best in school clothes at lowest prices at Sacas.

THE SOLE AGENCY. Through his agents in Japan, K. Yamamoto, wholesale merchant, secured the sole agency for Tengu Brand Japanese Rice. The sale of this well known brand is daily increasing. Phone 299. Hotel street near Nuuanu.

BAND CONCERT ON YOUNG HOTEL ROOF GARDEN

In honor of Admiral Swinburne and the officers of the fleet the Hawaiian Band will render a specially selected program of music tonight. On Sunday afternoon the Hawaiian Band will give a concert at the Moana Hotel.

ALEXANDER YOUNG CAFE. Our Candies, and our Party too. Are of the best and ever new. Our Factory daily sends supplies. And that's wherein the secret lies.



CHIEF JUSTICE A. S. HARTWELL, AUTHOR OF THE DECISION OF THE SUPREME COURT SUSTAINING THE MUNICIPAL ACT. JUSTICE HARTWELL ALSO WROTE THE DECISION BY WHICH THE SUPREME COURT SUSTAINED THE COUNTY GOVERNMENT ACT FOUR YEARS AGO.

FLEET TO FINISH COALING TOMORROW AND WIN RECORD

MORE AMERICAN NAVAL VESSELS IN PORT AT ONE TIME THAN EVER BEFORE—HILONIAN IN CONSTANT TOUCH WITH ARMADA BY WIRELESS BETWEEN FRISCO AND HONOLULU—SWARM OF LAUNCHES—SIGHTS AND SOUNDS BY NIGHT AND DAY.

Before tomorrow's night the Pacific fleet, cruisers, destroyers and supply ship, fifteen in all, will have been bunkered for a more than two-thousand mile run to Samoa, and this accomplishment will mark a record for this port and something near a record for the world.

First of all, and that counted for a big proportion of the work, Rees was ready. "Coal when you ready, Rees!" will soon be getting to be as much of a saying as the famous remark "Fire when you're ready, Gridley!"

Captain Corwin P. Rees, U. S. N., naval station commandant, threw out ten thousand tons of coal on the wharves ready for the white cruisers and black destroyers to swallow as soon as they should berth. Then the fleet arrived on time like an express train and twelve of the fifteen vessels entered the harbor between noon and five o'clock of yesterday, the thirteenth the South Dakota, being piloted in by Captain Macaulay early this morning.

Today the black dust flies over the waterfront, and to the never ceasing music of the ships' bands, for when one is not playing another is, the men of the squadrons are shoveling coal into their respective vessels in quick time, cranes, buckets, baskets, shovels and living heavies working incessantly.

Alongside the Oceanic wharf the Tennessee is taking on eleven hundred tons. At the Alakea street wharf the West Virginia and Maryland and the destroyer Stewart are loading. The Pennsylvania and the supply ship Solace and six of the destroyers are bunkering at the Naval wharves, while the South Dakota is taking in fuel from the collier Saturn at the Channel wharf.

The flagship West Virginia will remain at her wharf after completing coaling, while two others will make room for the California and Washington which did not enter yesterday.

Yesterday the Washington, South Dakota and California, lying off the bell buoy, were, during the afternoon, constantly talking by wireless with the West Virginia, Tennessee, Maryland and Pennsylvania, the Solace and the destroyers inside the harbor, and with the Naval Station. Sending all messages by wireless means a saving of time and physical energy. But this so interfered with local business wireless that Manager J. A. Balch of the

(Continued on Page Five.)

DANCE AT THE SEASIDE HOTEL THIS EVENING

Commencing this evening, and continuing every night during the visit of the Pacific fleet, a dance will be given in their honor at the Honolulu Seaside Hotel. Special dinners will also be served in the open air dining lanai from six thirty until eight. Music for all of the dinners and dances will be supplied by the Kaul Glee Club. A cordial invitation to the local Army and Navy folk, as well as the numerous patrons of the Seaside, is extended.

WHAT EVERYBODY SAYS MUST BE TRUE

Everybody who has used it says Chamberlain's Colic, Cholera and Diarrhoea Remedy never fails to give relief from pains in the stomach or diarrhoea, which is positive proof of its reliability. For sale by all dealers. Benson, Smith & Co., Agents for Hawaii.

REGISTRATION SECTIONS ONLY NULL AND VOID

The right of a citizen and taxpayer to mandamus against public officers acting under a statute alleged to be void, based upon an anticipatory refusal, is not passed on in view of waiver of the point by defendants and the sustaining of a demurrer on other grounds.
Section 56 of the Organic Act authorizes the creation of county and city municipalities by special act, superseding, in respect to Hawaii, the general prohibition of act of July 30, 1898, ch. 818. The provisions in Section 55 prohibiting the granting of private charters and special franchises do not apply to municipal corporations.
The qualifications for voters under the Municipal Act (S. L. 1907, Act 118) being in conflict with those defined by the Organic Act may be disregarded without impairing the validity of the remainder of the act.

The Supreme Court has unanimously sustained the validity of the Honolulu Municipal Act. Its decision was rendered this morning and the gist thereof is found in the syllabus printed above. Circuit Judge De Bolt had reserved the case for the Supreme Court, and is advised in the decision that the demurrer ought to be sustained and the petition dismissed. John Emmeluth was the petitioner and the case may here be restated from the introductory part of the decision:

"The petitioner, as a citizen of the United States and the Territory, and of the County of Oahu, a taxpayer and elector in the Territory and County, filed a petition before the circuit judge for a writ of mandamus directed to the board of supervisors of the County of Oahu commanding them forthwith to proceed and issue a proclamation concerning a county election for the County of Oahu, and to transmit copies of the same to the several boards of inspectors throughout the County of Oahu and to cause the proclamation to be posted in the manner required by law and to do all acts and things required of them under and by virtue of an act creating counties within the Territory of Hawaii, and providing for the government thereof passed April 14, 1905, setting forth in his petition that the board of supervisors had neglected and refused to issue a proclamation concerning county elections and to post the proclamation in the manner required by Sec. 36 of the act, and that they declined and refused to any time to issue the proclamation, and as the petitioner is informed and believes and so alleges will not issue it at least sixty days before the general election or at any other time as by the act required, the board of supervisors claiming that the act is repealed by an act entitled 'An Act Incorporating the City and County of Honolulu,' approved April 30, 1907, whereas the petition as amended alleges that this later act is unconstitutional and void, being in conflict with the provisions of an act of Congress entitled 'An Act to prohibit the passage of local and special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes,' approved July 20, 1896, 24 Stat. at Large 170, and also in conflict with the Organic Act of the Territory, as an attempt to

grant to a corporation special and exclusive privileges and immunities without approval of Congress, and that it requires different qualifications for electors under the act than are provided for in the Organic Act, and disqualifies and disfranchises a large portion of the qualified electors of the Territory and County; that the later act is also unconstitutional in that there are numerous private agricultural corporations within the boundaries of said municipal corporation not subject to control on the part of the Territory except in the exercise of police power, their charters being contracts within the meaning of the contract clause of the constitution, and that the act is void for the further reason that municipal taxes may be imposed on lands strictly rural in character and therefore not capable of receiving benefits and advantages usually received from municipal organizations, and also because the boundaries of the municipal corporation established by the act are inaccurate, indefinite and uncertain."

The defendants demurred to the petition on the ground that it does not state facts sufficient to entitle the petitioner to a writ of mandamus as prayed for or to any relief whatsoever.

The circuit judge reserved for the consideration of this court the following questions arising under the petition and demurrer, for that purpose reporting the same to this court, namely:

1. Does the petition for a writ of mandamus as filed in said proceeding state facts sufficient to entitle the petitioner John Emmeluth to a writ of mandamus as prayed for, or to any relief whatsoever?

2. Has the Act of the Legislature of the Territory of Hawaii, entitled "An Act creating Counties within the Territory of Hawaii and providing a government for the same" been and now is repealed by an Act of the Legislature of the Territory of Hawaii, entitled "An Act Incorporating the City and County of Honolulu" approved

(Continued on Page Four.)

The Stock Exchange

has resumed business after a week's vacation.

If you wish to buy or sell stocks or bonds we shall be pleased to handle your order.

Hawaiian Trust
Co., Limited,
923 Fort Street

Great Clean Up SALE

is bringing big Business to our Store on Alakea Street.

Bargains like we are given in every department have never been known before in Honolulu.

The sale will continue until the Entire Stock is cleaned up.

L.B. Kerr & Co., Ltd
HONOLULU DEPARTMENT STORE.



The only baking powder made with Royal Grape Cream of Tartar
No Alum, No Lime Phosphate



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